GOVERNMENT OF INDIA
LABOUR
LOK SABHA

UNSTARRED QUESTION NO:1603
ANSWERED ON:02.08.2000
LABOUR LAWS
SANJAY PASWAN

Will the Minister of LABOUR be pleased to state:

(a) whether the Government propose to amend the labour laws;

(b) if so, whether the Government propose to make it mandatory for conducting election after every two years to end monopoly of recognised labour unions and establish industrial democracy through such an amendment;

(c) if so, the time by which it is likely to be amended; and

(d) if not, the reasons therefor?

Answer

MINISTER OF STATE FOR LABOUR AND EMPLOYMENT (SHRI MUNI LALL)

(a) to (d): Review/updation of labour laws is a continuous process and amendments/fresh legislations are made depending on the results of the review. The Government have also setup the Second National Commission on Labour on 15.10.1999 which would comprehensively review the labour laws and suggest appropriate changes in the labour legislation/policy. The Commission would suggest rationalisation of existing labour laws relating to labour in the organised sector and an umbrella legislation for ensuring a minimum level of protection to the workers in the unorganised sectors.
At present the Code of Discipline, which is a voluntary code with no legislative back up requires management to recognise unions in accordance with the criteria for recognition of unions evolved at the 16th Session of the Indian Labour Conference in 1958.The criteria, in brief, mention that where there is more than one union, a union claiming recognition should have been functioning for at least one year after registration; where there is only one union, then this condition would not apply. It further states that the membership of the union should cover at least 15% in the establishment concerned. A union could also claim to be recognized as a representative union for an industry in a local area if it has a membership of at least 25% of the workers of that industry in that area. When a union has been recognized, there should be no change in its position for a period of two years.